

## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Wayne R. Andersen	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	1 C 6181	DATE	10/8/2002
CASE TITLE	Frank Marusiak vs. Adjustable Clamp Company		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

## MOTION:

## DOCKET ENTRY:

- (1) ☐ Filed motion of [ use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due \_\_\_\_\_.
- (3) ☐ Answer brief to motion due \_\_\_\_\_. Reply to answer brief due \_\_\_\_\_.
- (4) ☐ Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (7) ☐ Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] **Enter MEMORANDUM, OPINION AND ORDER: We deny plaintiff's objections to the portion of Magistrate Judge Bobrick's August 22, 2002 order [83-1] which denied plaintiff's fourth motion to compel document discovery.**

- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input checked="" type="checkbox"/> Copy to judge/magistrate judge. <i>Bobrick</i>	courtroom deputy's initials <i>TSA</i>	Date/time received in central Clerk's Office <i>10/8/02 2:15 PM</i>	number of notices <b>OCT 9 2002</b>	Document Number <i>99</i>
			date docketed	
			docketing deputy's initials	
			date mailed notice	
			mailing deputy initials	



relating to the rights of Adjustable to manufacture and sell clamps which were entered into during the period from January 1, 1991 through August 9, 2002.

### **DISCUSSION**

Magistrate Judge Bobrick's order is reviewed by this Court under the "clearly erroneous" or "contrary to law" standard. Fed.R.Civ.P. 72(a); 28 U.S.C. § 636(b)(1)(A). The Seventh Circuit has explained the standard as follows:

The district court's view of any discovery-related decisions made by the magistrate judge is governed by Rule 72(a) of the Federal Rules of Civil Procedure, which provides: 'The district court to whom the case is assigned shall consider such objections and shall modify or set aside any portion of the magistrate judge's order found to be clearly erroneous or contrary to law.'

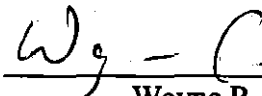
Fed.R.Civ.P. 72(a); *see also* 28 U.S.C. § 636(b)(1). The clear error standard means that the district court can overturn the magistrate judge's ruling only if the district court is left with the definite and firm conviction that a mistake has been made. (Citations omitted).

In this case, Subpoena Document Request No. 7 is not limited on its face to any time or product type period whatsoever. As presented, it seeks agreements, assignments and/or licenses with any third parties related, or pertaining to, the rights of the defendant to manufacture and sell patented or licensed products which were entered into at any time during the defendant's one hundred year history. The deficiency in this Subpoena Document Request was remedied by Magistrate Judge Bobrick in his ruling by requiring the defendant to produce all agreements, assignments and/or licenses with any third parties relating to the manufacture and sale of clamps (of all types). Moreover, Magistrate Judge Bobrick also limited the document request to a period of eleven and one-half years.

We find that Subpoena Document Request No. 7 as presented by plaintiff was facially overly broad and unduly burdensome. While he would have been justified in denying plaintiff's motion to compel with respect to this document request in its entirety, Magistrate Judge Bobrick, after careful consideration of written and oral argument, modified that request by incorporating in it a reasonable time period (11 ½ years) and a reasonable product description (all clamps). The defendant has responded to that document request as modified by Magistrate Judge Bobrick and produced all documents called for thereunder. We find that Magistrate Judge Bobrick's ruling was sound and proper and not "clearly erroneous or contrary to law."

### CONCLUSION

For the foregoing reasons, we deny plaintiff's objections to the portion of Magistrate Judge Bobrick's August 22, 2002 order which denied plaintiff's fourth motion to compel document discovery.

  
\_\_\_\_\_  
Wayne R. Andersen  
United States District Judge

Dated: October 8, 2002